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Promotion and protection of the rights of children: promotion and protection of the rights of children

Security Council
Sixty-ninth year

Letter dated 10 February 2014 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

I have the honour to submit to you the report of the workshop entitled "Children and armed conflict: strengthening the implementation of the United Nations children and armed conflict agenda", convened by the Permanent Mission of Liechtenstein to the United Nations, the Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist on 12 and 13 December 2013 at Princeton University, United States of America (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 65 (a), and of the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative

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Annex to the letter dated 10 February 2014 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

Report of the workshop entitled "Children and armed conflict: strengthening the implementation of the United Nations children and armed conflict agenda"

12 and 13 December 2013, Princeton University, United States of America

I. Introduction

1. The Permanent Mission of Liechtenstein to the United Nations, the Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist convened a workshop on children and armed conflict on 12 and 13 December 2013 at Princeton University in Princeton, New Jersey, United States of America. The workshop brought together representatives of States Members of the United Nations, including members of the Security Council, offices and departments of the Secretariat (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs), members of the International Criminal Court, academics and non-governmental organizations to discuss strengthening action by the Security Council on violations and abuses committed against children in situations of armed conflict.

2. The workshop comprised a public session on 12 December to introduce a wider audience to the plight of children affected by armed conflict and three closed sessions on 13 December. In the first session on 13 December, experts explored ways in which they could support the joint campaign by the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children's Fund to end the recruitment and use of children by government security forces in conflict by 2016. At the second session, participants discussed the role of partners in promoting and implementing the United Nations children and armed conflict agenda. At the third session, they examined other violations and abuses committed against children, focusing in particular on attacks on schools and hospitals.

3. Although participants did comment on accountability for perpetrators, it was not the main topic of the workshop. Recommendations on accountability as related to the children and armed conflict agenda are available in the report of the first workshop on children and armed conflict organized at Princeton University, at which participants considered how to deal with persistent perpetrators (see A/67/794-S/2013/158, annex).

4. The present report provides a summary of the discussions in the sessions and sets out recommendations for strengthening action by the Security Council on violations and abuses committed against children in situations of armed conflict.

II. Campaign to end the recruitment and use of children by government security forces in conflict by 2016

5. At the first session of the workshop, participants focused on the joint campaign to end the recruitment and use of children by government security forces in conflict by 2016, which will be formally launched on 6 March 2014, while Luxembourg holds the presidency of the Security Council.

6. Participants from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict discussed the intention to launch the joint campaign. It was noted that, in his annual report on children and armed conflict, the Secretary-General had listed eight government security forces (those of Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, the Sudan and Yemen) for the recruitment and use of children. Of those, the Sudan and Yemen had yet to sign action plans with the United Nations to end and prevent such recruitment and use. The security forces of Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan and the Sudan were considered persistent perpetrators, having been listed for five or more years.

7. Participants took as a starting point for discussion an overview of the progress made by each of the eight Governments towards the signing and implementation of action plans. Noting that there was considerable goodwill among perpetrators to end and prevent violations and that not all perpetrators would respond similarly to the same options, participants sought to identify tools to support the joint campaign. Recommendations for action, summarized below, were identified in the areas of sustained political pressure, national capacity-building processes and sufficient and predictable resources.

8. While participants unanimously expressed their support for the joint campaign, they also noted that the vast majority of the listed perpetrators were armed non-State actors, rather than State security forces. They therefore implored the Office of the Special Representative of the Secretary-General also to promote the adoption and implementation of action plans with armed non-State actors.

A. Sustained political pressure

9. Participants highlighted the need to ensure sustained and coordinated action by all actors in encouraging the adoption and implementation of action plans to end and prevent the recruitment and use of children. The following recommendations were made:

(a) The Secretary-General and his Special Representative for Children and Armed Conflict should consider ways of highlighting, in the annual report of the Secretary-General on children and armed conflict, progress by Governments towards ending and preventing violations against children in situations of armed conflict;

(b) The Security Council or its Working Group on Children and Armed Conflict could request specific briefings by the Special Representative of the Secretary-General for Children and Armed Conflict on progress made in terms of the implementation of action plans;

(c) The Security Council or its Working Group on Children and Armed Conflict could request the Resident Coordinator or Special Representative of the

Secretary-General for a specific country to consistently raise the issue of children and armed conflict with the national authorities and to provide a briefing to the Council or the Working Group on progress made in terms of the implementation of action plans;

(d) Member States should promote the adoption and implementation of action plans through bilateral diplomacy at the country level. The establishment of a diplomatic group of friends in the Democratic Republic of the Congo was noted as a positive example that could be replicated in other situations;

(e) Member States should mainstream the children and armed conflict agenda in foreign ministries, defence ministries and development cooperation agencies, encouraging in particular the use of bilateral diplomacy and conditionality on military assistance to listed parties to spur the adoption and implementation of action plans. The Child Soldiers Prevention Act of 2008, adopted in the United States, was noted as a positive example in that regard;

(f) Following the positive example of the United Nations human rights due diligence policy, which stipulates that support by United Nations entities to non-United Nations security forces must be consistent with the Organization's commitments to international humanitarian, human rights and refugee law, the Department of Peacekeeping Operations should consider developing a policy prohibiting armed forces listed for violations against children in situations of armed conflict from contributing troops to United Nations peacekeeping operations.

B. National capacity-building processes

10. Participants noted that, to end the recruitment and use of children on a sustainable basis, Governments must put in place measures to prevent future recruitment. It would not be possible to end violations without investing or building capacity in the areas of rule of law and security sector reform. The United Nations and donors should support the development of child protection legislation including the criminalization of child recruitment and use. The United Nations and donors might also need to assist in strengthening national judicial capacity where the criminal justice system lacked the capacity to effectively investigate and prosecute allegations of child recruitment and use. Long-term assistance might also be needed to establish national processes for birth registration and thereby ensure an independently verifiable proof of age for each child. In that regard, participants welcomed the census in Myanmar scheduled for 2014, which would allow for comprehensive birth registration. Furthermore, they noted that the security sector bore the responsibility for establishing effective processes to verify the age of each new recruit. The following recommendations were made:

(a) Establish an informal technical reference group at the global level to share best practices with regard to the implementation of action plans and invite United Nations agencies, the Member States concerned, regional and subregional organizations and arrangements, donors, non-governmental organizations and academics to participate therein;

(b) Promote bilateral cross-country learning regarding the implementation of action plans, for example through facilitating intercountry visits between governmental child protection focal points;

(c) Use a midterm review to evaluate progress towards the implementation of action plans. Participants noted the important role of a midterm review through which government officials could meet members of the United Nations country task force on monitoring and reporting and evaluate progress made towards the implementation of action plans. The outcome of the review could be used as a road map towards the finalization of action plans;

(d) Develop road maps for all countries having signed action plans with the United Nations to end and prevent the recruitment and use of children. Participants noted that short, action-oriented road maps had recently been developed in Afghanistan and Chad in an effort to establish clear and measurable benchmarks towards implementation, allowing donors, Governments and United Nations country teams to prioritize and focus interventions;

(e) On the side of the Government concerned, establish an interministerial committee to coordinate the implementation of the action plan;

(f) On the side of the Government concerned, establish a child protection focal point within the security forces to facilitate communication with the United Nations country task force on monitoring and reporting and coordinate follow-up on action plan commitments and their implementation.

C. Sufficient and predictable resources

11. Participants noted that sustainably ending and preventing grave violations against children required sufficient and predictable resources. In that regard, the following recommendations were made:

(a) The donor community must address the critical need for sufficient and predictable resources to end and prevent grave violations and implement action plans. For example, consideration should be given to establishing a trust fund for action plan implementation as a flexible funding mechanism, at either the global or the country level, which would provide funding to the Governments concerned, United Nations agencies and non-governmental organizations upon the adoption of an action plan;

(b) The donor community could connect with multilateral funding agencies, including the World Bank, to discuss funding options specifically targeting the release and long-term reintegration of children formerly associated with armed security forces and armed groups;

(c) At the country level, the donor community could support national information campaigns organized by the Governments concerned with a view to widely disseminating action plan commitments among the military rank and file and the general population.

III. Role of partnerships in promoting the children and armed conflict agenda

12. At the second session of the workshop, participants focused on the role of partners in promoting and implementing the children and armed conflict agenda. First, they discussed the role of regional and subregional organizations and arrangements, noting that the growing involvement of such organizations and

arrangements in conflict mediation and peacekeeping operations brought to the fore a wide range of child protection challenges, from ensuring that troops upheld international humanitarian law in the conduct of military operations to handling children associated with armed forces and armed groups. The European Union discussed its commitment to children and armed conflict, including its development and use of guidelines on the subject as a basis for a coordinated approach across all European Union instruments, including development aid, humanitarian assistance and external action (including civilian and military missions executed under the Common European Security and Defence Policy). It was noted that, in September, the Peace and Security Department of the African Union Commission had signed a declaration of intent with the Special Representative of the Secretary-General for Children and Armed Conflict to step up measures to protect children affected by armed conflict. Other regional and subregional organizations and arrangements identified as potential future partners included the Arab League, the Organization of Islamic Cooperation and the Association of Southeast Asian Nations. Participants explored ways to improve the protection of children through partnerships with regional and subregional organizations and arrangements. The following recommendations were made:

(a) Encourage regional and subregional organizations and arrangements to develop guidelines to protect children affected by armed conflict, in addition to a programme of work, and appoint a high-level focal point, with the aim of mainstreaming the protection of children in all actions and in particular all peace and security activities. The programme of work should also include an effort to align national legislation with regional and international child rights;

(b) Given that regional and subregional organizations and arrangements are increasingly involved in peacekeeping operations and civilian or military training missions, the development of improved and harmonized training programmes on child protection for troop-contributing countries should be a priority;

(c) Encourage cooperation between United Nations country task forces on monitoring and reporting and other international entities engaged in ending violations against children present in the country concerned, including but not limited to the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, with a view to including them in the task forces;

(d) Encourage cooperation between United Nations country task forces on monitoring and reporting and delegations of regional and subregional organizations and arrangements present in the country concerned, including but not limited to the European Union, the African Union, the Association of Southeast Asian Nations, the Arab League and the Organization of Islamic Cooperation.

13. In the second half of the session, Watchlist focused on the role of national partners, including Member States not affected by the issue, in promoting the children and armed conflict agenda. It was suggested that Member States should be encouraged to make specific commitments, such as providing financial support for the implementation of action plans or child protection training for troop-contributing countries. Subsequently, bearing in mind the differences between Security Council resolution 1325 (2000) on women and peace and security and Council resolution 1612 (2005) on children and armed conflict, Watchlist explored the scope for using national action plans under the former resolution as a strategy to

promote the implementation of the children and armed conflict agenda. It was noted that, in 2004, the Council had welcomed the efforts of Member States in implementing resolution 1325 (2000) at the national level, including through the development of national action plans (see S/PRST/2004/40). Any country, including those not directly affected by the issue, could develop a national action plan as a basis for a coordinated approach across its various government departments.

14. Regarding the national action plans, participants noted that there was distinct added value in finding ways to engage Member States not directly affected by the issue. They noted that national action plans raised the level of coordination and information exchange between government departments, something that was considered a vital step because it allowed commitments to turn into action. It was pointed out that many countries also involved civil society in the formulation of the plans, thus offering a platform for continuous civil society engagement. Participants also noted, however, that the plans were often perceived as burdensome, bureaucratic processes. Other flaws included the absence of specific and realistic goals, objectives and priority actions, clear timelines and a dedicated budget. Such flaws had contributed to slowness in implementation at the country level, it was said.

15. Participants also discussed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), on the disarmament, demobilization and reintegration of children associated with armed groups. They said that, during the seventh anniversary Ministerial Follow-up Forum to the Paris Commitments and Paris Principles, additional countries could be encouraged to endorse the Commitments and Principles and to support the joint campaign to end the recruitment and use of children by government security forces in conflict by 2016.

IV. Addressing other violations: attacks on schools and hospitals

16. At the third session of the workshop, participants looked at ending and preventing other violations committed against children in situations of armed conflict, focusing specifically on attacks on schools and hospitals, the Security Council having expanded the triggers of the United Nations-led monitoring and reporting mechanism in 2011 to include such attacks. First, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict provided information on guidance under development on the implementation of Security Council resolution 1998 (2011). The International Committee of the Red Cross presented the project that it was leading on health care in danger. Lastly, the Global Coalition to Protect Education from Attack introduced the draft Lucens guidelines for protecting schools and universities from military use during armed conflict, drawn up with the aim of reducing such use and of minimizing the negative impact of armed conflict on students' safety and education. It was noted that they were intended to serve as guidance for those involved in the planning and execution of military operations in relation to decisions over the use and targeting of institutions dedicated to education. Participants then discussed how to support such efforts in encouraging parties to conflict to end and prevent attacks on schools and hospitals, recommending that Member States should consider endorsing the draft Lucens guidelines for protecting schools and universities from military use during armed

conflict and, where appropriate, integrate them into military training manuals and standard operating procedures.

V. Recommendations

17. Based on the discussions in the three sessions of the workshop, the following key recommendations were identified for taking action to strengthen the implementation of the children and armed conflict agenda:

A. Recommendations to the Security Council and the Working Group on Children and Armed Conflict

(a) Request specific briefings by the Special Representative of the Secretary-General for Children and Armed Conflict on progress made in terms of the implementation of action plans;

(b) Request the Resident Coordinator or Special Representative of the Secretary-General for a specific country to provide a briefing on progress made in terms of perpetrators active in the country and the implementation of an action plan, as well as to request the Resident Coordinator or Special Representative of the Secretary-General for a specific country to consistently raise the issue of children and armed conflict with the national authorities;

(c) Request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to promote the adoption of action plans by armed non-State actors.

B. Recommendations to the Secretary-General and his Special Representative on Children and Armed Conflict

(a) Consider ways of highlighting, in the annual report of the Secretary-General on children and armed conflict, progress by Governments towards ending and preventing violations against children in situations of armed conflict;

(b) Mainstream the use of midterm reviews to evaluate progress made in terms of the implementation of action plans to end and prevent the recruitment and use of children for all countries that have signed such plans with the United Nations;

(c) Mainstream the use of road maps with clear and measurable benchmarks to expedite the implementation of action plans;

(d) Establish an informal technical reference group at the global level to share best practices on the implementation of action plans and to promote cross-country learning;

(e) Following the example of the United Nations human rights due diligence policy, consider developing a Department of Peacekeeping Operations policy that would prohibit government security forces listed for violations against children in situations of armed conflict from contributing troops to peacekeeping operations.

C. Recommendations to Member States

(a) Mainstream the children and armed conflict agenda in foreign ministries and related government agencies, encouraging in particular the use of bilateral

diplomacy and conditionality on military assistance to spur the adoption and implementation of action plans;

(b) Establish a group of friends at the country level in all countries with listed parties, in particular in all eight countries in which the government security forces have been listed for recruitment and use of children, so as to support the adoption and implementation of action plans through bilateral diplomacy;

(c) Support national efforts to strengthen capacity to protect children, including the development of legislation criminalizing violations against children, the strengthening of investigative and prosecutorial capacities and the promotion of birth registration and age verification processes;

(d) Consider endorsing the draft Lucens guidelines for protecting schools and universities from military use during armed conflict and, where appropriate, integrate them into military training manuals and standard operating procedures.

D. Recommendations to regional and subregional organizations and arrangements

(a) Develop guidelines and a programme of work to mainstream the children and armed conflict agenda in all actions, in particular with the aim of including the protection of children in all relevant peace and security activities;

(b) Establish a high-level focal point on children and armed conflict in all regional and subregional organizations and arrangements;

(c) Accord priority to the development of improved and harmonized training programmes on child protection for troop-contributing countries.

E. Recommendation to donors

Address the critical need for sufficient and predictable resources to implement action plans, such as by considering, with the United Nations, the establishment of a trust fund for action plan implementation, as a flexible funding mechanism, at the global or country level, which would provide funding upon the adoption of an action plan.